

REMARKS

The claims have been amended to clarify the invention. In particular, claim 1 has been amended to delete polypeptide sequences of the invention and to recite only the polynucleotide sequences of the invention. Support for this amendment is found in Table 2, pp. 44-50 which describes the polynucleotide SEQ ID NOs: and their corresponding encoded polypeptide sequences. Claim 12 has been amended to recite additional polynucleotide sequences for genes encoding full length polypeptides; i.e., polynucleotide SEQ ID NOs:32, 186, and 323. Support for this amendment is found in the specification, for example, at Table 2, pp. 44, 46, and 48, and the Sequence Listing, which shows these polynucleotide SEQ ID NOs: as full length genes encoding polypeptide SEQ ID NOs:33, 187, and 324, respectively, and which are therefore commensurate in scope with claim 12 and with dependent claims 13-15 which describe the recombinant expression of these polynucleotides in producing the encoded polypeptides. No new matter is added by this amendment, and entry of the amendment is therefore requested.

Restriction Requirement

In the Restriction Requirement, the Examiner has stated that applicants previous election of Group I (response filed 2/10/2003) corresponding to claims 1-6 and 12-14 and species SEQ ID NO:323, with traverse, is non-responsive to the prior Office action because it fails to comply with the Election/Restriction requirement under 35 U.S.C. 121 which requires the election of a single Group and a single disclosed species even though this requirement is traversed (underline added). Specifically, the Examiner stated, no species of claim 12 was elected in response to the restriction requirement in the Office action mailed on January 10, 2003. Claim 12 does not recite the elected species SEQ ID NO:323. Moreover, the Examiner stated, no species from claims 2 and 3 have been elected.

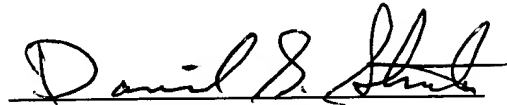
In response, applicants hereby elect the following additional species from claims 2, 3, and 12, as originally filed: claim 2, the species of SEQ ID NO:32; claim 3, the species of SEQ ID NO:186, and claim 12, the species of SEQ ID NO:308, with traverse. Applicants submit that there is no such requirement under 35 U.S.C. 121 for an election of a single disclosed species within an elected Group as the Examiner has stated. Furthermore, since the Examiner has agreed to examine each of the 4 elected species with respect to at least one claim of Group I, applicants have amended claim 12 to recite the three additional elected species, SEQ ID NOs:32, 186, and 323. Applicants submit that the addition of these species to the claim poses no additional burden of search on the Examiner since he has agreed to examine them with respect to at least one other claim in elected Group I.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 09-0108.

Respectfully submitted,

INCYTE CORPORATION

Date: April 1, 2003



David G. Streeter, Ph.D.

Reg. No. 43,168

Direct Dial Telephone: (650) 845-5741

Customer No.: 27904
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555
Fax: (650) 849-8886